IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4142 OF 2005

Shri.Tushar Rashikbhai Doshi ..Applicant

Vs.

State of Maharashtra & Anr. ..Respondents

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Mr. S.P.Kadam, Advocate for Applicant
Mr. V.B.Konde-Deshmukh A.P.P. for the State
Mr. Jagdish Choudhari for Respondent no.2

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CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 7,2005

P.C.

1. The applicant-original accused in C.R.No. 87 of 2004 has prayed for quashing of FIR in C.R.No. 87 of 2004 registered with D.B.Marg Police Station. The said case is under Sections 406, 420, 411 r.w. 34 of IPC. The learned A.P.P. on instructions states that the prosecution case against the present applicant is only that of receiving the property involved in the offence. Thus, the learned A.P.P. has submitted that the applicant is

the Receiver of the property in the said case.

2. I have heard the learned advocate for the applicant, the learned advocate for the respondent no.2 i.e. original complainant and the learned A.P.P. for the State. The complainant is present in person and he has filed affidavit which is taken on record and marked ‘X’ for identification. It is stated by the complainant that the present applicant and he have settled the matter amicably between themselves and he does not wish to proceed against the applicant. The complainant has specifically stated that he does not wish to continue with the prosecution in respect of the present applicant.

3. In view of the fact that the parties have amicably settled the dispute, in my view, no purpose would be served by continuing with the proceedings relating to C.R.No.87 of 2004 as the complainant does not wish to pursue the matter any further. Hence, in view of the decision of the Supreme Court in the case of **B.S.Joshi and another Vs. State of Haryana and another reported in**

Judgment Today 2003(3) S.C. 277, the proceedings pertaining to C.R.No. 87 of 2004 of D.B.Marg Police against the applicant, are quashed and set aside in respect of the applicant only. It is made clear that the proceedings relating to said C.R. No.87 of 2004 shall proceed in respect of the rest of the accused in the said case.

4. Application is disposed of.

[V.K.TAHILRAMANI,J]